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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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STEUBING AND MCGUINESS & MANARAS LLP			ELAHEE, MD S	
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2645

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,335

Applicant(s)

ARMSTRONG ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9 and 15-18 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-14 & 19-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 05/19/04. Claims 1-21 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5, 10-14 and 19-21 have been fully considered but they are not persuasive.

Regarding claim 1, the Applicant argues on page 3, lines 7-13 that Matthews might be modified to include two services such as 'the first interactive voice response service for responding to calls to the user' and 'the second interactive voice response system for controlling how the first interactive voice response service responds to calls to the user' for load balancing is moot. The examiner disagrees with this argument. Because, Matthews does disclose the first interactive voice response service for responding to calls to the user (see col.54, lines 44-68, col.55, lines 1-8, col.68, lines 7-17, lines 48-64) and the CVM (i.e., second interactive voice response system) for dialing "9" (i.e., controlling) how the new message (i.e., first interactive voice response service) responds to calls to the user (see col.69, lines 43-46). Furthermore, this new message is a prerecorded message for instructing the caller (see col.70, lines 35-39). Thus the rejection of the claim in view of Matthews remain.

Regarding claims 10 and 19 are rejected for the same reasons as discussed above with respect to claim 1.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the phrase "the second interactive voice response system" in page 10, lines 8 and 9 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 10-13 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews et al. (U.S. Patent No. 4,602,129) and in view of Pletz et al. (U.S. Pub. No. 2002/0046086).

Regarding claims 1 and 10, Matthews discloses a subscriber caller providing greeting, name of the subscriber etc. by voice response service provided to callers who want to access the subscriber's mailbox or RO message address, the voice response service for responding to calls to the subscriber caller (fig.35; col.54, lines 44-68, col.55, lines 1-8, col.68, lines 7-17, lines 48-64; 'subscriber caller' reads on the claim 'user', 'greeting, name of the subscriber etc.' reads on the claim 'personalized prompts' and 'voice response service provided to callers who want to access the subscriber's mailbox or RO message address' reads on the claim 'first interactive voice response service').

Matthews further discloses user dialing command for name record (fig.27, step 1550; 'command' reads on the claim 'selected access code') or user dialing "9" for recording a prompt message on his RO message (fig.36, step 1842; "9" reads on the claim 'selected access code') or user dialing the PIM command for recording a PIM (fig.38; 'PIM command' reads on the claim 'selected access code') through a voice response service for mailbox subscriber, the CVM (i.e., second interactive voice response system) for dialing "9" (i.e., controlling) how the new message (i.e., first interactive voice response service) responds to calls to the user (col.69, lines 38-46, col.70, lines 35-39; 'voice response service for mailbox subscriber' reads on the claim 'a second interactive voice response service').

Matthews further discloses recording name of the subscriber (fig.27b, step 1558; 'name of the subscriber' reads on the claim 'personalized prompt'), message (fig.36, step 1848; 'message' reads on the claim 'personalized prompt'), user's response (fig.38, step 1912; 'user's response' reads on the claim 'personalized prompt') or input address (fig.38, step 1924; 'input address' reads on the claim 'personalized prompt') with dialing command or dialing digit through a voice response service for mailbox subscriber.

Matthews further discloses when a outside caller try to access the subscriber's mailbox or his RO message address through a voice response service provided to the caller, the recorded personalized prompt will be released to the caller (col.75, lines 45-62; 'the subscriber's mailbox or his RO message address' reads on the claim 'location').

However, Matthews fails to teach "the first interactive voice response service and the second interactive voice response system are each coupled to a common private

branch exchange". Pletz teaches one or more voice response units (VRU) (i.e., the first interactive voice response service and the second interactive voice response system) are each coupled to a common private branch exchange (abstract; page 3, paragraph 0046). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to the first interactive voice response service and the second interactive voice response system being each coupled to a common private branch exchange as taught by Pletz. The motivation for the modification is to have doing so in order to distribute incoming calls to the voice response units.

Regarding claims 2 and 11, Matthews further discloses the step NAME RECORD whereby a user's name is deposited in the VMS memory banks for transmittal with each of the user's deposited messages and if the user requests the NAME RECORD feature, the program flows along the "Y" path to a decision block 1552 and if this C.O.S. is activated, the program flows along the "Y" path to a function block 1554 wherein VMS prompts the user to record his name (fig.27b; col.55, lines 34-45; 'prompts' reads on the claim 'maintaining help information'). VMS is providing the help information to the user (fig. 27b; 'VMS' reads on the claim 'a network interface').

Regarding claims 3 and 12, Matthews further discloses the VMS 10 validating user ID (fig.12, step 624), acknowledging a valid code has been entered (fig.12, step 628) with an audible signal, such as a single "beep" (fig.11, fig.12; col.23, lines 10-14; 'validating user ID' reads on the claim 'receiving a user identification') through a voice response service for mailbox subscriber (col.69, lines 38-46; 'voice response service for mailbox subscriber' reads on the claim 'a second interactive voice response service').

Matthews further discloses the conclusion of the recording step 610, the user may elect to either DEPOSIT another message 612, inquire for messages 614 or hang up 616 (fig.11, fig.21; col.22, lines 50-54). At the end of record voice message program step 610 the user has the three program options (fig.11, fig.14, col.24, lines 32-35; 'program options' reads on the claim 'a list of available communication management options').

Matthews further discloses the selected code against the list of options has been inherently compared in the system (fig.14, block 658).

Matthews further discloses VMS 10 utilizing several microprocessor controlled Universal Control Boards connected to one bus instead of a single minicomputer (col.21, lines 34-36; 'controlled Universal Control Boards' reads on the claim 'controlling operation').

Regarding claims 4 and 13, Matthews further discloses the VMS 10 validating user ID 624, acknowledging a valid code has been entered 628 (fig.11, fig.12; col.23, lines 10-13; 'validating user ID' reads on the claim 'receiving a user identification').

Matthews further discloses VMS providing the help information to the user (fig. 27b; 'VMS' reads on the claim 'a network interface').

Matthews further discloses the conclusion of the recording step 610, the user may elect to either DEPOSIT another message 612, inquire for messages 614 or hang up 616 (fig.11, fig.21; col.22, lines 50-54). At the end of record voice message program step 610 the user has the three program options (fig.11, fig.14, col.24, lines 32-35; 'program options' reads on the claim 'a list of available communication management options').

Regarding claim 19 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Matthews further discloses a subscriber caller providing

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greeting, name of the subscriber etc. by voice response service provided to callers who want to access the subscriber's mailbox or RO message address (fig.35; col.54, lines 44-68, col.55, lines 1-8, col.68, lines 7-17, lines 48-64; 'a subscriber caller' reads on the claim 'a user', 'greeting, name of the subscriber etc.' reads on the claim 'personalized prompts' and 'voice response service provided to callers who want to access the subscriber's mailbox or RO message address' reads on the claim 'first interactive voice response service') and when a outside caller try to access the subscriber's mailbox or his RO message address through a voice response service provided to the caller, the recorded personalized prompt will be released to the caller (col.75, lines 45-62; 'the subscriber's mailbox or his RO message address' reads on the claim 'a prompts store').

Matthews further discloses the VMS system 10 storing a message deposited from a caller, and the message is later delivered to the addressee (fig.3; col.5, lines 34-36; 'VMS' reads on the claim 'a personalization server'). Instructional messages are also stored in the data storage 64 to guide the user in using the VMS 10 (fig.3; col.5, lines 36, 37; 'Instructional messages' reads on the claim 'personalized prompts').

Matthews further discloses VMS inherently stores the list of the communication management options.

Matthews further discloses VMS inherently stores access codes respectively associated with the communication management options.

Matthews further discloses recording name of the subscriber (fig.27b, step 1558; 'name of the subscriber' reads on the claim 'personalized prompt'), message (fig.36, step

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1848; 'message' reads on the claim 'personalized prompt'), user's response (fig.38, step 1912; 'user's response' reads on the claim 'personalized prompt') or input address (fig.38, step 1924; 'input address' reads on the claim 'personalized prompt') with dialing command or dialing digit through a voice response service for mailbox subscriber.

However, Matthews fails to teach "the first interactive voice response service and the second interactive voice response system are each coupled to a common private branch exchange". Pletz teaches one or more voice response units (VRU) (i.e., the first interactive voice response service and the second interactive voice response system) are each coupled to a common private branch exchange (abstract; page 3, paragraph 0046). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to the first interactive voice response service and the second interactive voice response system being each coupled to a common private branch exchange as taught by Pletz. The motivation for the modification is to have doing so in order to distribute incoming calls to the voice response units.

Regarding claim 20, Matthews further discloses the step NAME RECORD whereby a user's name is deposited in the VMS memory banks for transmittal with each of the user's deposited messages and if the user requests the NAME RECORD feature, the program flows along the "Y" path to a decision block 1552 and if this C.O.S. is activated, the program flows along the "Y" path to a function block 1554 wherein VMS prompts the user to record his name (fig.27b; col.55, lines 34-45; 'prompts' reads on the claim 'help information regarding the communication management options').

Matthews further discloses VMS inherently storing help information and providing the help information to the user (fig. 27b; 'VMS' reads on the claim 'a network interface').

Regarding claim 21, Matthews further discloses the user's telephones 18 connected to the PBX's 12 have access to the VMS 10 and the features of the VMS 10 may be utilized by a small customer with a single PBX 12 or by much larger customers having multiple PBX's 12 interfaced with a single VMS 10 (fig.1; col.4, lines 41-46; 'much larger customers having multiple PBX's 12' reads on the claim 'users being respectively associated with a plurality of office phones coupled to the PBX').

7. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews et al. (U.S. Patent No. 4,602,129) and in view of Pletz et al. (U.S. Pub. No. 2002/0046086) and further in view of Ball et al. (U.S. Patent No. 5,394,445).

Regarding claims 5 and 14, Matthews discloses a subscriber caller providing greeting, name of the subscriber etc. by voice response service provided to callers who want to access the subscriber's mailbox or RO message address (fig.35; col.54, lines 44-68, col.55, lines 1-8, col.68, lines 7-17, lines 48-64; 'a subscriber caller' reads on the claim 'a user', 'greeting, name of the subscriber etc.' reads on the claim 'personalized prompts' and 'voice response service provided to callers who want to access the subscriber's mailbox or RO message address' reads on the claim 'first interactive voice response service'). Matthews further discloses recording name of the subscriber (fig.27b, step 1558; 'name of the subscriber' reads on the claim 'personalized prompt'), message (fig.36, step 1848; 'message' reads on the claim 'personalized prompt'), user's response

(fig.38, step 1912; 'user's response' reads on the claim 'personalized prompt') or input address (fig.38, step 1924; 'input address' reads on the claim 'personalized prompt') with dialing command or dialing digit through a voice response service for mailbox subscriber.

However, Matthews in view of Pletz fails to teach how to adjust "the communication management options". Ball teaches the user how to adjust the setting of the ETR's controls (col.15, lines 60-66; 'the setting' reads on the claim 'the communication management options'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews in view of Pletz to allow options adjustment as taught by Ball. The motivation for the modification is to allow the user to make an adjustment of different types of options.

Matthews further discloses user dialing command for name record (fig.27, step 1550; 'command' reads on the claim 'selected access code') or user dialing "9" for recording a prompt message on his RO message (fig.36, step 1842; "'9'" reads on the claim 'selected access code') or user dialing the PIM command for recording a PIM (fig.38; 'PIM command' reads on the claim 'selected access code') through a voice response service for mailbox subscriber (col.69, lines 38-46; 'voice response service for mailbox subscriber' reads on the claim 'a second interactive voice response service').

However, Matthews in view of Pletz further fails to teach "adjusting the maintained access codes". Ball teaches the user how to adjust the setting of the ETR's controls (col.15, lines 60-66; 'the setting' reads on the claim 'the the maintained access codes'). Thus, it would have been obvious to one of ordinary skill in the art at the time

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the invention was made to modify Matthews in view of Pletz to allow access codes adjustment as taught by Ball. The motivation for the modification is to allow the user to make an adjustment of different access codes.

Matthews further discloses when a outside caller try to access the subscriber's mailbox or his RO message address through a voice response service provided to the caller, the recorded personalized prompt will be released to the caller (col.75, lines 45-62; 'the subscriber's mailbox or his RO message address' reads on the claim 'location').

However, Matthews in view of Pletz further fails to teach "adjusted location". Ball teaches the user how to adjust the setting of the ETR's controls (col.15, lines 60-66; 'the setting' reads on the claim 'adjusted location'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews in view of Pletz to have an adjusted location as taught by Ball. The motivation for the modification is to allow the user to make an adjustment of the location.

Allowable Subject Matter

8. Claims 6-9 and 15-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 6 and 15, the prior art Matthews fails to teach maintaining help information respectively associated with the communication management options on a device connected to the first interactive voice response service via the internet and retrieving respective help information associated with the user selected option, wherein, the help information including textual descriptions of the selected option for display on a graphical interface.

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The prior arts Ho and Wang fail to teach maintaining access codes respectively associated with the communication management options, the access codes for allowing the user to record personalized prompts via a second interactive voice response service, the second interactive voice response system for controlling how the first interactive voice response service responds to calls to the user.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. E .

MD SHAFIUL ALAM ELAHEE

July 23, 2004

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